

# KAUFMAN | DOLOWICH

**Patrick M. Kennell**  
E: pkennell@kaufmandolowich.com  
D: 646.599.9420

Kaufman Dolowich LLP  
40 Exchange Place, 20<sup>th</sup> Floor  
New York, NY 10005  
Telephone: 212.485.9600  
Facsimile: 212.485.9700  
www.kaufmandolowich.com

March 7, 2025

## **VIA ECF**

The Honorable Jennifer E. Willis, U.S.M.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 425  
New York, New York 10007

Re: **JOINT STATUS UPDATE REGARDING DISCOVERY**

*Brockmole, et al. v. EZ Festivals LLC, et al.*  
*Avchukov, et al. v. Avant Gardner, LLC, et al.*  
*Palie, et al. v. EZ Festivals LLC, et al.*  
*Ting, et al. v. Avant Gardner LLC, et al.*

Case No. 1:23-cv-08106-VM (Consolidated)

Dear Judge Willis:

We represent the Defendants EZ Festivals LLC, Avant Gardner LLC, Made Event LLC, Jurgen Bildstein, CityFox, Reynard Productions, and AGDP Holding, Inc. (the “EZ Defendants”) in the above four putative class action lawsuits. Pursuant to the Court’s January 10, 2025 Order, (ECF No. 128), we write jointly with plaintiffs’ counsel to provide a status update on discovery; however, the parties indicate below where their positions differ.

### **EZ Defendants’ Position:**

Per the Court’s Order, fact discovery remains ongoing, and the current fact discovery deadline is June 5, 2025. The EZ Defendants are continuing to make rolling weekly discovery productions to the plaintiffs. The EZ Defendants have also been keeping the plaintiffs updated on the status of various ESI issues that have come up during the course of the productions and will continue to do so until all documents have been reviewed and responsive disclosures made. As of today, the EZ Defendants have made five productions of ESI to the plaintiffs and will be disclosing a sixth volume by Monday consistent with the rolling weekly production schedule.

### **Plaintiffs’ Position:**

In Plaintiffs’ view, the pace and volume of document production has not been satisfactory, and they do not believe they have been kept up to date adequately. They do acknowledge that

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Defendants have picked up the pace of production of documents – and information – but until recently, Plaintiffs’ repeated requests for updates were unanswered for weeks at a time. Defendants have also been unwilling to discuss how the parties might work with them to address the apparent challenge of an overwhelming volume of data, which Defendants content largely consists of superfluous attachments.

If the case is unable to be resolved at Tuesday’s settlement conference, the parties will work together on a schedule for the completion of discovery, including depositions. Given the delay in production of the bulk of Defendants’ documents, Plaintiffs do not see how discovery – including depositions – can be completed by the current deadline and would ask the Court to work with the parties to impose a revised schedule with interim deadlines, to hold all parties to account.

Additionally, given Defendants’ apparent issues with a large volume of material to review and produce, Plaintiffs suggest that the parties meet and confer to discuss triaging the production, with a focus on key witnesses (such as Individual Defendant Jurgen Bildstein) and key time periods (such as the two weeks immediately prior to the festival). As it stands, Plaintiffs are unaware of any method or system Defendants are using to prioritize key discovery materials.

We appreciate the Court’s consideration of this response. We are available if Your Honor would like to discuss.

Respectfully submitted,

SQUITIERI & FEARON, LLP

/s/ Lee Squitieri (With Permission)

Lee Squitieri

[lee@sfclasslaw.com](mailto:lee@sfclasslaw.com)

*Attorneys for Brockmole Plaintiffs*

KAUFMAN DOLOWICH LLP

/s/ Patrick M. Kennell

Patrick M. Kennell

[pkennell@kaufmandolowich.com](mailto:pkennell@kaufmandolowich.com)

Kathleen A. Mullins

[kathleen.mullins@kaufmandolowich.com](mailto:kathleen.mullins@kaufmandolowich.com)

*Attorneys for Defendants*

EZ FESTIVALS, LLC, AVANT

GARDNER, LLC, MADE EVENT LLC, and

JURGEN BILDSTEIN

MOORE KEUHN, PLLC

/s/ Fletcher Moore (With Permission)

Fletcher Moore

[fmoore@moorekuehn.com](mailto:fmoore@moorekuehn.com)

*Attorneys for Brockmole Plaintiffs*

CORBETT RIGHTS, P.C.

/s/ Jonathan Corbett (With Permission)

Jonathan Corbett

[jon@corbettrights.com](mailto:jon@corbettrights.com)

*Attorneys for Avchukov Plaintiffs*

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DGW KRAMER, LLP

/s/ Jacob Chen (With Permission)

Jacob Chen

[jchen@dgwllp.com](mailto:jchen@dgwllp.com)

Rita Wang

[rita@dgwllp.com](mailto:rita@dgwllp.com)

*Attorneys for Ting Plaintiffs*

PARKER POHL LLP

/s/ Shelly L. Friedland (With Permission)

Shelly L. Friedland

[shelly.friedland@parkerpohl.com](mailto:shelly.friedland@parkerpohl.com)

*Attorneys for Palie Plaintiffs*

TRIEF & OLK

/s/ Eyal Dror (With Permission)

Eyal Dror

[edror@triefandolk.com](mailto:edror@triefandolk.com)

*Attorneys for Palie Plaintiffs*